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**REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed March 7, 2006. In the Office Action, the Examiner notes that claims 1-33 are pending and rejected. By this response, Applicants have cancelled claims 2 and 22 and amended claims 1, 21 and 25.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

**REJECTIONS****35 U.S.C. §102****Claims 1, 9, 12, 13, 21, and 25**

The Examiner has rejected claims 1, 9, 12, 13, 21, and 25 under 35 U.S.C. §102(e) as being anticipated by Bechtel et al. (US 2002/0138500 A1, hereinafter Bechtel"). Applicants respectfully traverse the rejection. However, to further prosecution of this application Applicants have amended claims 1 and 22 to include the limitations of, respectively, claims 2 and 22, and amended claim 25 to include limitations substantially similar to those recited in amended claim 1. As no argument has been made by within the office action that claims 2 and 22 are unpatentable under 35 U.S.C. §102, it is respectfully submitted that claims 1, 21 and 25 as amended are patentable under 35 U.S.C. §102.

Therefore, Applicants submit that independent claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Furthermore, independent claims 21 and 25 recite limitations substantially similar to the limitations of claim 1. As such, for at least the reasons discussed above with

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respect to claim 1, independent claims 21 and 25 are also not anticipated by Bechtel and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Accordingly, Applicants submits that claims 1, 21 and 25 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 9, 12 and 13 depend directly from independent claim 1 and recite additional limitations therefrom. As such, and for at least the same reasons as discussed above with respect to claim 1, Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

### **35 U.S.C. §103**

#### **Claims 2 and 22**

The Examiner has rejected claims 2 and 22 under 35 U.S.C. §103(a) as being unpatentable over Bechtel and Eng (US 5,963,557, hereinafter "Eng"). Applicants respectfully traverse the rejection and will discuss the rejection as if apply to claims 1, 22 and 25 which now include the relevant limitations of claims 2 and 22.

The Examiner contends that Bechtel and Eng in combination teach the limitation of "the plurality of input streams include a first stream having NET PID data and a second stream having headend management system polling data." The applicants respectfully disagree.

The Examiner notes that Bechtel fails to disclose polling data.

The Examiner contends that Bechtel teaches the NET PID data of the above-quoted claim element (citing paragraphs 8, 23 and 26). Cited paragraph 8 merely notes various advantages that may flow from use of the Bechtel arrangement, but there is no mention of NET PID data. Cited paragraph 23 refers to an "operations data stream [that is] produced to track the subordinate streams to allow the client-side API to locate and assemble the required application data files to support the client application on the set-top 170." Cited paragraph 26 notes that "the operations stream contains structured information describing the carousel and the virtual file system therein...."

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In contrast to the "operations stream" described with respect to Bechtel, the claimed NET PID data comprises "information such as the time of day to set the clock and the network configuration for interactive operation" (see page 5, lines 7-8 of the instant application). Neither the time of day information and, more importantly, the network configuration for *interactive operation* is conveyed by the operations data of Bechtel. That is, the operations data only provides a map of subordinate or virtual streams, while the NET PID data of the claimed invention provided a different functionality. Therefore, the cited "operations data" of Bechtel does not teach or suggest the claimed "NET PID data."

The Examiner contends that the claimed stream having "polling information" is disclosed by Eng, and that Eng may be operably combined with Bechtel. The applicants respectfully disagree.

The Eng reference comprises a high capacity reservation multiple access network with multiple shared unidirectional paths (i.e., a downstream control and payload channel, an upstream control channel and an upstream payload channel). The Eng arrangement utilizes a slotted architecture in which each of a plurality of sending or receiving elements (e.g., subscriber stations) is assigned time slots in a channel depending upon bandwidth requirements. That is, information arrives at its intended destination because the information is present on a channel during a time slot associated with the intended destination. Information is not addressed to a particular destination (such as using a packet identifier). The polling information of Eng is discussed as follows (column 3, lines 49-62):

"Each SS 50 is polled and transmits a signal to the head end 12. The head end 12 records the propagation delay of each SS 50. The head end 12 then informs each SS 50 of how long a propagation delay is incurred by signals transmitted from that specific SS 50 to the head end 12. Each SS 50 is also informed of the maximum propagation delay of all SSs 50 in the cable network 10. Whenever a SS 50 decides to transmit a signal, the SS 50 determines the slot or mini-slot boundary at which it desires to write its packet. The SS 50 then delays its transmission from the slot or mini-slot boundary for a certain time period equal to the difference between the propagation delay of the transmitting SS 50 and the maximum propagation delay in the cable network 10."

The above-quoted portion of Eng clearly indicates that the polling signal is simply

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directed to prompting a response from a subscriber such that a propagation delay of the network may be ascertained (e.g., similar to the well-known "ping" process in IP networks). Such propagation delay is critical within the context of a time slot at architecture, though irrelevant in the context of the claimed invention (as well as the Bechtel arrangement).

The "polling" process of Eng has nothing to do with the subject invention. Specifically, the polling process of Eng is used strictly within the context of the slotted architecture of Eng, which architecture is not used within the context of the present invention. Stated another way, the present invention (as well as the Bechtel arrangement) simply does not need or use the particular propagation delay information ascertained by the polling process of Eng.

In addition, it is noted that the claim recites "headend management system polling data," which is entirely different than the propagation data derived by the Eng polling process. Thus, it is even more clear that the polling of the cited reference has nothing to do with the polling data of the claimed invention. As such, irrespective of whether the two references could be combined operably or not, any such combination would utilize polling data having nothing to do with the claimed invention.

The Eng and Bechtel arrangements may not be operably combined. Eng utilizes a slotted architecture wherein time slots are utilized to communicate information to, for example, subscriber devices. This architecture is entirely different than the Bechtel arrangement.

As noted above, the polling function of Eng is adapted to modify slot boundaries. The Bechtel arrangement does not use slots and, therefore, does not use slot boundary modification data. Rather, Bechtel utilizes a streaming function in which packets are directed to their destination via packet identification (PID) information, which information is wholly independent of any timeslot. Thus, Eng and Bechtel arrangements may not be operably combined.

Claims 1, 22 and 25 are therefore patentable under 35 U.S.C. §103(a) over the Bechtel and Eng references. Additionally, since all of the remaining claims depend either directly or indirectly from claims 1, 22 and 25 and recite additional

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limitations there from, all of these claims are also patentable over the Bechtel and Eng references. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**Claims 3-7, 10, 14-20, and 26-33**

The Examiner has rejected claims 3-7, 10, 14-20, and 26-33 under 35 U.S.C. §103(a) as being unpatentable over Bechtel in view of Chen et al. (US 5,917,830, hereinafter "Chen"). Applicants respectfully traverse the rejection.

Claims 3-7, 10, 14-20 and 26-33 are patentable over Bechtel for at least the reasons discussed above with respect to claims 1 and 25 from which they depend (i.e., Bechtel fails to teach or suggest each and every element of Applicants' invention of claims 1 and 21). Accordingly, any attempted combination of the Bechtel reference with any other additional references, in a rejection against the dependent claims, would still result in a gap between the teaching of the Bechtel reference and the independent claims in regards to the rejection against the independent claims.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**Claim 8**

The Examiner has rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Bechtel in view of Chen as applied to claim 3 above, and further in view of Eng. Applicants respectfully traverse the rejection.

Claim 8 is patentable for at least the reasons discussed above with respect to claim 1 from which it depends (i.e., Bechtel fails to teach or suggest each and every element of Applicants' invention of claim 1). Accordingly, any attempted combination of the Bechtel reference with any other additional references, in a rejection against the dependent claims, would still result in a gap between the teaching of the Bechtel reference and the independent claim in regards to the rejection against the independent claim.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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**Claim 11**

The Examiner has rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Bechtel and Puputti (US 2003/0097663 A1). Applicants respectfully traverse the rejection.

Claim 11 is patentable for at least the reasons discussed above with respect to claim 1 from which it depends (i.e., Bechtel fails to teach or suggest each and every element of Applicants' invention of claim 1). Accordingly, any attempted combination of the Bechtel reference with any other additional references, in a rejection against the dependent claims, would still result in a gap between the teaching of the Bechtel reference and the independent claim in regards to the rejection against the independent claim.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**Claim 23**

The Examiner has rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Bechtel and Birnbaum et al. (US 2006/0020974 A1). Applicants respectfully traverse the rejection.

Claim 23 is patentable for at least the reasons discussed above with respect to claim 21 from which it depends (i.e., Bechtel fails to teach or suggest each and every element of Applicants' invention of claim 21). Accordingly, any attempted combination of the Bechtel reference with any other additional references, in a rejection against the dependent claims, would still result in a gap between the teaching of the Bechtel reference and the independent claim in regards to the rejection against the independent claim.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**Claim 24**

The Examiner has rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Bechtel and Birnbaum as applied to claim 23 above, and further

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in view of Brosey (U.S. 6,948,186 B1, "Brosey"). Applicants respectfully traverse the rejection.

Claim 24 is patentable for at least the reasons discussed above with respect to claim 21 from which it depends (i.e., Bechtel fails to teach or suggest each and every element of Applicants' invention of claim 21). Accordingly, any attempted combination of the Bechtel reference with any other additional references, in a rejection against the dependent claims, would still result in a gap between the teaching of the Bechtel reference and the independent claim in regards to the rejection against the independent claim.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **SECONDARY REFERENCES**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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**CONCLUSION**

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated:

7/7/06



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